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Attorney for Defendant, SERAFIN VILLAGOMEZ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUGO VIGIL VILLAGOMEZ ET AL,

Defendants

) Case No.: 1:22-cr-00197-TLN

) **STIPULATION AND ORDER TO**
) **CONTINUE STATUS CONFERENCE**
) **AND EXCLUDE TIME UNDER SPEEDY**
) **TRIAL ACT**

) Date: September 26, 2024

) Time: 9:30 a.m.

) Court: Hon. Troy L. Nunley

The United States of America, by and through Special Assistant U.S. Attorney Matthew De Moura, defendant Hugo Vigil Villagomez, by and through his counsel Dani Mohling and Michael E. Cardoza, and defendant Serafin Villagomez, by and through his counsel Kevin Rooney, hereby agree and stipulate as follow:

1. This matter was transferred to Sacramento from Fresno in late 2023.
2. On May 9, 2024, counsel for both defendants appeared for a Status Conference in this case and the next Status Conference was set for September 26, 2024.
3. Since May 9, 2024, the parties have been diligently reviewing the voluminous discovery and communicating with one another during this time period to make sure the case continues to move forward towards resolution and/or trial.

1 4. The discovery in this case consists of nearly 300 files including, but not limited to,
2 investigative reports, recorded phone calls, surveillance data, and photographs the parties
3 continue to review and analyze as they move towards resolution and/or trial.

4
5 5. The proposed status conference date on February 6, 2025, represents the earliest and
6 most convenient date that all counsel are available. This requested date takes into account
7 counsels' schedules, defense counsels' commitments to other clients, and defense
8 counsels' need for preparation and further investigation into this case. Counsel for
9 HUGO VILLAGOMEZ has a particularly impacted schedule in November and
10 December 2024. Counsel for SERAFIN VILLAGOMEZ will be engaged in a two week
11 long hearing from January 13 – January 24, 2025.

12
13 6. As to defendant SERAFIN VILLAGOMEZ, exclusion of time is particularly
14 appropriate because he is not detained pending trial.

15
16 7. As to defendant HUGO VILLAGOMEZ, time continues to be excluded so counsel,
17 who came into the case in August 2023, can have sufficient time to review and
18 investigate the discovery as well as prepare for his defense.

19 The parties further believe that time should be excluded, in that failure to grant the
20 requested case schedule would unreasonably deny both the defendants and the government the
21 reasonable time necessary for effective preparation, taking into account the parties' due diligence
22 in prosecuting this case. 18 U.S.C. Section 3161(h)(7)(B)(iv). Based on the foregoing facts, the
23 parties request that the Court vacate the September 26, 2024, status conference and reset the case
24 for a status conference to be held on February 6, 2025, at 9:30 a.m. The parties further agree and
25 request that the Court exclude the time between September 26, 2024, and February 6, 2025, from
26 the computation of time in which trial must commence under the Speedy Trial Act, pursuant to
27 Local Code T-4. The parties agree that the interests of justice served by excluding the time
28 between September 26, 2024, and February 6, 2025, under the Speedy Trial Act, outweigh the

best interests of the public and the defendant in a speedy trial. The parties request that the Court adopt the facts set forth herein and order time excluded from September 26, 2024, to and including February 6, 2025, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4, to allow defense counsel to investigate and prepare for trial. With this stipulation, 0 of 70 days have been used against the computation of time within which a trial must commence.

Dated: September 23, 2024

PHILLIP A. TALBERT
United States Attorney

By: /s/ MATTHEW DE MOURA
MATTHEW DE MOURA
Special Assistant United States
Attorney

Dated: September 23, 2024

/s/ MICHAEL E. CARDOZA
MICHAEL E. CARDOZA
Counsel for Defendant
Hugo Vigil Villagomez

Dated: September 23, 2024

/s/ DANI SCOTT (Mohling)
DANI SCOTT (Mohling)
Counsel for Defendant
Hugo Vigil Villagomez

Dated: September 23, 2024

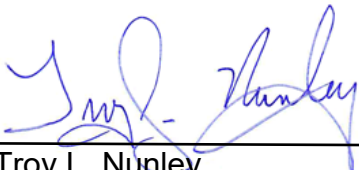
/s/ KEVIN ROONEY
KEVIN ROONEY
Counsel for Defendant
Serafin Villagomez

FINDINGS AND ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court vacates the September 26, 2024, status conference and resets the matter for a status conference on February 6, 2025, at 9:30 a.m. The Court also specifically finds that based on the facts set forth in the parties' stipulation, the failure to exclude the time between September 26, 2024, and February 6, 2025, would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Time from September 26, 2024, to and including February 6, 2025, is excluded from the computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4. With this stipulation, 0 of 70 days have been used against the computation of time within which a trial must commence.

IT IS SO ORDERED.

DATED: September 23, 2024



Troy L. Nunley
Chief United States District Judge